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JAN 22 2007



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## FAX TRANSMISSION

To	USPTO
Examiner	Kahsay Habte
Fax Number	(571) 273-8300
From	Karen E. Brown
Date	January 22, 2007
Application No.	10/700,936 Petition to Withdraw Holding of Abandonment
Attorney Docket No.	VPI/02-123US
Total Pages	14

### Message or Comment

If any problems occur with this fax transmittal, please call (617) 444-6168 immediately.

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Attorney Docket No.: VPI/02-123 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/700,936  
Confirmation No.: 5983  
Filing Date: November 4, 2003  
Examiner: Kahsay Habte  
Group Art Unit: 1624  
Applicants: Randy S. Bethel et al.  
For: COMPOSITIONS USEFUL AS INHIBITORS OF JAK AND OTHER PROTEIN KINASES

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**Certificate of Facsimile Transmission Under 37 CFR §1.8**

I hereby certify that this correspondence and any documents referred to as attached hereto is/are being facsimile transmitted to the United States Patent and Trademark Office on January 22, 2007.

Karen E. Brown  
Karen E. Brown  
1/22/07  
Signature

January 22, 2007  
Cambridge, Massachusetts

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith: [X] a Petition to Withdraw Holding of Abandonment; [ ] Reply to Office Action; [ ] a Petition for Extension of Time; [ ] a substitute Specification; [ ] a Declaration; [ ] a Supplemental Declaration; [ ] a Power of Attorney; [ ] an Associate Power of Attorney; [ ] formal drawings; [ ] Notice of Appeal; [ ] Appeal Brief; [ ] Petition for Revival; to be filed in the above-identified patent application.

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JAN 22 2007

Applicants: Randy S. Bethiel et al.  
Application No. 10/700,936

**FEE FOR ADDITIONAL CLAIMS**

A fee for additional claims is not required.  
 A fee for additional claims is required.

The additional fee has been calculated as shown below:

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CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	*	=	X \$ 50	= \$ 0

INDEPENDENT CLAIMS	**	=	X \$200	= \$ 0
-----------------------	----	---	---------	--------

FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM	+	\$360	=	\$
---	---	-------	---	----

* If less than 20, insert 20.	TOTAL	\$ 0
** If less than 3, insert 3.		

A check in the amount of \$\_\_\_\_ in payment of the filing fee is transmitted herewith.

Please charge \$\_\_\_\_ to Deposit Account No. 50-0725 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.

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Applicants: Randy S. Bethel et al.  
Application No. 10/700,936

EXTENSION FEE

[ ] The following extension is applicable to the Response filed herewith; [ ] \$120.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); [ ] \$450.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); [ ] \$1,020.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); [ ] \$1,590.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); [ ] \$2,160.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).

[ ] A check in the amount of [ ] \$120.00; [ ] \$450.00; [ ] \$1,020.00; [ ] \$1,590.00; [ ] \$2,160.00 in payment of the extension fee is transmitted herewith.

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MISCELLANEOUS FEES

[ ] Please charge \$ \_\_\_\_\_ to Deposit Account No. 50-0725 in payment of the for \_\_\_\_\_ (37 C.F.R. § \_\_\_\_\_).

Respectfully submitted,

*Karen E. Brown*  
Karen E. Brown, Reg. No. 43,866  
Attorney for Applicants  
c/o Vertex Pharmaceuticals Incorporated  
130 Waverly Street  
Cambridge, Massachusetts 02139  
Tel: (617) 444-6168  
Fax: (617) 444-6483  
Customer No. 27916

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Attorney Docket No.: VPI/02-123 US

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Respectfully submitted,

*Karen E. Brown*  
Karen E. Brown, Reg. No. 43,866  
Attorney for Applicants  
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January 22, 2007  
Cambridge, Massachusetts

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. §1.181(a)  
TO WITHDRAW HOLDING OF ABANDONMENT**

Sir:

Pursuant to 37 C.F.R. § 1.181(a), applicants hereby petition to withdraw holding of abandonment of the above-identified patent application.

A Notice of Abandonment was mailed December 28, 2006 by the United States Patent and Trademark Office (USPTO). The Notice states that the application became abandoned due to applicants' failure to timely pay the required issue fee and publication fee. A Notice of Allowance and Fees Due (hereafter "Notice of Allowance") was mailed August 28, 2006 by the USPTO.

In accordance with Manual of Patent Examining Procedure (MPEP) 711.03(c), the undersigned hereby states that the Notice of Allowance mailed August 28, 2006 was not received by the undersigned. Further, a search of the file jacket and docket records by the undersigned indicates that the Notice of Allowance was not received. A copy of the docket record from the above-

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Applicants: Randy S. Bethel et al.  
Application No.: 10/700,936

identified patent application in which the Notice of Allowance would have been entered had it been received and docketed is attached to this Petition (see Exhibit A).

Pursuant to 37 C.F.R. § 1.181(f), this petition is filed within two months of the mail date of the Notice of Abandonment and is therefore timely.

Applicants respectfully request that this petition be granted and that the holding of abandonment above-identified patent application be withdrawn. Early and favorable consideration of this petition is respectfully requested.

Applicants do not believe that any fee is due. However, the Director is hereby authorized to charge any additional fee due, or credit any overpayment, in connection with this petition, to Deposit Account No. 50-0725. A duplicate copy of this petition is enclosed herewith.

Respectfully submitted,

*Karen E. Brown*  
Karen E. Brown  
Reg. No. 43,866  
Attorney for Applicants  
c/o Vertex Pharmaceuticals Incorporated  
130 Waverly Street  
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Mail Stop Petition  
Commissioner for Patents  
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Karen E. Brown  
Reg. No. 43,866  
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130 Waverly Street  
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**Exhibit A**

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**JAN 22 2007**

**Country Application**

Monday, January 22, 2007

Page: 1

Case Number: VPI/02-123

Country: US

SubCase: 002

VP #: VPI/02-123 US

Division: VERTEX PHARMACEUTICALS INCORP United States of America

Case Type: ORD

Application Status: PUBLISHED

Application Number: 10/700,936

Filing Date: 04-Nov-2003

Publication Number: 2004-0097504

Publication Date: 20-May-2004

Patent Number:

Issue Date:

Parent/PCT Number:

Parent/PCT Date : 04-Nov-2003

Parent Issue Number:

Parent Issue Date :

Tax Schedule: LE

Expiration Date: 04-Nov-2023

Confirmation #: 5983

Patent Term Adjustment: 0

Owner:

Agent:

Agent Reference #:

App.Title: COMPOSITIONS USEFUL AS INHIBITORS OF JAK AND OTHER PROTEIN KINASES

**Inventors:**

Family Reference:

LEDEBOER, MARK W.  
BETHIEL, RANDY

Remarks: Patsy VP# : VPI/02-123 US

NEW/CON: FCA

TYPE: UTL

Related : VPI/02-123 PROV US

CLAIMS : 29

Abstract:

**BEST AVAILABLE COPY****Country Application**

Monday, January 22, 2007

Page: 2

**List Of Actions**

Action(s) Due	Due Date	Action Taken	
FOREIGN FILING DUE	04-Nov-2003	Due Date	04-Nov-2003
POST CARD CHECK	04-Dec-2003	Due Date	13-Nov-2003
PUBLISH AS AMENDED	04-Jan-2004	Due Date	05-Feb-2004
ASSIGNMENT	04-Feb-2004	Due Date	21-Jan-2005
FILG RCPT STATUS CHK	04-Feb-2004	Due Date	05-Feb-2004
INF DISCLOSURE STMT	04-Feb-2004	Due Date	08-Apr-2004
CORRECT OF FLG RCPT	01-Mar-2004	Due Date	01-Mar-2004
VERIFY PRIORITY STAT	04-Mar-2004	Due Date	02-Mar-2004
PUBLICATION	04-May-2004	Due Date	20-May-2004
CORRECT OF FLG RCPT	07-Dec-2004	Due Date	07-Dec-2004
RESTRICTION REQUIRE	24-Dec-2004	Due Date	24-May-2005
AS STATUS CHECK	21-Feb-2005	Due Date	27-Jan-2005
RESTRICTION REQUIRE - FINAL	24-May-2005	Final	24-May-2005
RESPONSE TO OA	05-Oct-2005	Due Date	05-Oct-2005
SUPPLMTL AMEND/IDS	16-Nov-2005	Due Date	16-Nov-2005
NOTICE NON-COMPLIANT	25-Dec-2005	Due Date	08-Dec-2005
RESPONSE TO OA - FINAL	05-Jan-2006	Final	05-Oct-2005
RESPONSE TO OA	13-Apr-2006	Due Date	13-Jul-2006
RESPONSE TO OA - FINAL	13-Jul-2006	Final	13-Jul-2006
RESPONSE TO OA Follow Up Date	13-Jan-2007	Due Date	13-Jul-2006
US-Petition to Revive	28-Feb-2007	Due Date	

Created By: JB

User ID: JB

Date Created: 05-Nov-2003

Last Update: 17-Jan-2006